

Testimony of Representative Garey Bies
Assembly Criminal Justice Committee
AB 196 – Providing Alcohol to Underage Persons

Good morning Chairman Kleefisch and fellow Committee members. Thank you for allowing me this opportunity to testify in support of Assembly Bill 196, relating to penalties for individuals who knowingly provide alcohol to underage persons who are subsequently injured or killed as a result of consuming that alcohol.

The need for this legislation was brought to my attention following the tragic deaths of two young women from my district late last September. Karen Teskie, age 20, and Amanda Brandt, age 19, spent the last evening of their lives at a tavern in Ellison Bay. Even though the bartender knew both girls were under the 21 year-old legal drinking age, he served them several drinks. Shortly after leaving the establishment, the girls were killed in a one-car crash. Both had BAC's well in excess of .08.

Their deaths have dealt a devastating blow to their families, friends, and their community as a whole. The void their loved ones feel as a result of the loss of Karen and Amanda can never be filled, but it's my hope this legislation can help prevent such a tragedy from befalling another family.

Currently, Wisconsin law protects those under the age of 18 if they are knowingly served alcohol and subsequently suffer great bodily harm or death as a result. In those cases, the provider can be charged with a Class H or Class G felony respectively. A Class H felony is punishable by a fine of not more than \$10,000 or a term of imprisonment of up to six years or both. If the underage person dies as a result of consumption, the provider can be charged with a Class G felony, punishable by a fine of not more than \$25,000 or a prison term of ten years or both.

The bartender who served Karen and Amanda was convicted on a misdemeanor charge and received a fine of \$876.

I strongly believe that we should extend to 18, 19 and 20 year-olds the same protections currently on the books for those under 18. We all know that underage drinking is a problem faced by communities across our state. Anything we can do to address this problem is a step in the right direction. We can send a strong, clear message to those who knowingly serve alcohol to our young people – if they are harmed or killed as a result of your irresponsible actions, you will be held accountable under the law.

Thank you for your time and I hope you will support Assembly Bill 196.



MADD
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Testimony of Kari Kinnard
State Executive Director
Mothers Against Drunk Driving
Before the Wisconsin Committee on Criminal Justice
In Support of Assembly Bill 196
May 23, 2007

Thank you Mr. Chairman and members of the committee for holding this important hearing and for the opportunity to submit testimony to you today in support of AB 196. My name is Kari Kinnard, Wisconsin's State Executive Director for Mothers Against Drunk Driving. I am here today on behalf of, and as a representative of, all of the members of MADD Wisconsin.

This piece of legislation makes sense. This bill would simply apply existing law to the people who were omitted from legislation by semantics in the terms minor vs. underage. Under existing law everyone under 21 is subject to the same penalties for breaking the law. Likewise, everyone under 21 should be treated equally if someone else breaks the law. The message must remain consistent that the laws for people considered "underage" as defined by statute must be applicable to all related laws, and all people impacted by that definition.

Wisconsin ranks #1 in underage drinking – in this case being #1 is not a good thing. That means we have the highest amount of underage drinking in the entire United States. Wisconsin continues to rank in the top three for binge drinking in adults and youth. Problems and costs associated with underage drinking in Wisconsin placed a burden of approximately \$1.2 billion dollars on citizens in 2005. And yet, Wisconsin ranks highest again in the misperception that we do not have an underage drinking problem. This piece of legislation is one critical way of letting people know that underage drinking includes

all people under the age of 21. It does not exclude our important sons, daughters, and future leaders between the ages of 18 and 20.

Since the 21 Minimum Drinking Age (MDA law) was enacted many young lives have been saved. This is one of the most highly studied pieces of legislation. An example of some of the findings reflect that between 1983 and 1989, the number of drivers at a .10 BAC (the old illegal limit for adults) involved in fatal crashes increased, except for two age groups – 16 – 20 year olds, which decreased 32 percent, and 21 – 24 year olds, which decreased 18 percent. Traffic related incidents are only one small portion of injuries and fatalities that have decreased with the 21 MDA law. There are also countless studies relating to the decrease in other – non-vehicular associated – injuries and deaths stemming from the 21 MDA law.

New research also reinforces that the brains of our youth continue to undergo sensitive and important growth well into their early twenties. In fact, beginning at age 17 is when the critical components of the hippocampus are being developed. This is the area of the brain where memory and connections are being formed. This is occurring in underage people (or people under age 21) from the age of 17 into their twenties. Not only in minors under age 18.

Please support AB 196. Help us send the message that all lives under the age of 21 are important and deserve the law to be applied equally.

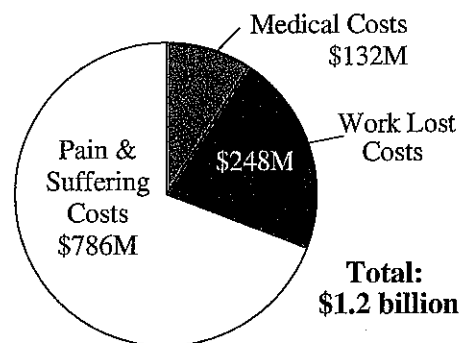
Underage Drinking in Wisconsin *The Facts*

Tragic health, social, and economic problems result from the use of alcohol by youth. Underage drinking is a causal factor in a host of serious problems, including homicide, suicide, traumatic injury, drowning, burns, violent and property crime, high risk sex, fetal alcohol syndrome, alcohol poisoning, and need for treatment for alcohol abuse and dependence.

Problems and Costs Associated with Underage Drinking in Wisconsin

Underage drinking cost the citizens of Wisconsin \$1.2 billion in 2005. These costs include medical care, work loss, and pain and suffering associated with the multiple problems resulting from the use of alcohol by youth. This translates to a cost of \$2,048 per year for each youth in the State. Wisconsin ranks 32nd highest among the 50 states for the cost per youth of underage drinking. Excluding pain and suffering from these costs, the direct costs of underage drinking incurred through medical care and loss of work cost Wisconsin \$379 million each year.

**Costs of Underage Drinking
Wisconsin 2005**



Costs of Underage Drinking by Problem, Wisconsin 2005

Problem	Total Costs (in millions)
Youth Violence	\$570.8
Youth Traffic Crashes	\$302.2
High-Risk Sex, Ages 14-20	\$113.4
Youth Property Crime	\$41.7
Youth Injury	\$59.7
Poisonings and Psychoses	\$12.5
FAS Among Mothers Age 15-20	\$17.8
Youth Alcohol Treatment	\$46.8
Total	\$1,164.9

Youth violence and traffic crashes attributable to alcohol use by underage youth in Wisconsin represent the largest costs for the State. However, a host of other problems contribute substantially to the overall cost. Among teen mothers, fetal alcohol syndrome (FAS) alone costs Wisconsin \$17.8 million.

Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence

and are two and a half times more likely to become abusers of alcohol than those who begin drinking at age 21.² In 2004, 1,409 youth 12- 20 years old were admitted for alcohol treatment in Wisconsin, accounting for 8% of all treatment admissions for alcohol abuse in the State.³

Alcohol Consumption by Youth in Wisconsin

Underage drinking is widespread in Wisconsin. Approximately 295,000 underage youth in Wisconsin drink each year. In 2005, according to self-reports by Wisconsin students in grades 9-12:⁴

- 24% had their first drink of alcohol, other than a few sips, before age 13.
- 49% had at least one drink of alcohol on one or more occasion in the past 30 days.
- 31% had five or more drinks of alcohol in a row (i.e. binge drinking) in the past 30 days.
- 4% had at least one drink of alcohol on school property on one or more of the past 30 days.

In 2005, underage drinkers consumed 16.8% of all alcohol sold in Wisconsin, totaling \$488 million in sales. These sales provided profits of \$236 million to the alcohol industry.¹

Produced by the Pacific Institute for Research and Evaluation (PIRE), October 2006.

¹ Miller, TR, Levy, DT, Spicer, RS, & Taylor, DM. (2006) Societal costs of underage drinking *Journal of Studies on Alcohol*, 67(4) 519-528

² Grant, B.F., & Dawson, D.A. (1997). Age at onset of alcohol use and its association with DSM-IV alcohol abuse and dependence: Results from the Nation Longitudinal Alcohol Epidemiologic Survey. *Journal of Substance Abuse* 9: 103-110.

³ Office of Applied Studies, Substance Abuse and Mental Health Services Administration. Treatment Episode Data Set (TEDS). (2004). *Substance Abuse Treatment by Primary Substance of Abuse, According to Sex, Age, Race, and Ethnicity*.

⁴ Center for Disease Control (CDC). (2005). Youth Risk Behavior Surveillance System (YRBSS).

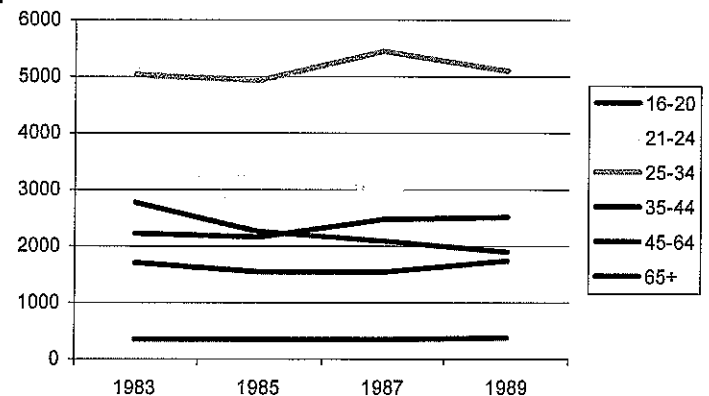
21 Minimum Drinking Age – Just the Facts, Man

Setting the drinking age at 21 has saved lives.

Some facts are so strong, they demand an explanation. This is true for the 21 minimum drinking age – between 1983 and 1989, the number of drivers at a .10 BAC (the old illegal limit for adults) involved in fatal crashes increased, except for two age groups – 16-20 year olds, which decreased 32 percent, and 21-24 year olds, which decreased 18 percent.¹

Obviously, something happened during that time that impacted the drinking and driving rates among 16-24 year olds, because this holds up even when you control for the number of 16-24 year old drivers.²

Drivers at a .10+ BAC involved in fatal crashes



That something is the 21 minimum drinking age. The Centers for Disease Control looked at 49 high-quality, peer-reviewed studies of places that changed their drinking age and found conclusively that a 21 minimum drinking age decreases fatalities by 16 percent.³ As you can see, it also impacts those slightly above the drinking age.⁴

The CDC isn't the only one who says this, either. A host of experts, including the National Highway Traffic Safety Administration⁵, the General Accounting Office⁶, the Institute of Medicine⁷, the Surgeon General⁸, the National Institute of Health⁹, and so on. And why wouldn't they? The 21 minimum drinking age is the most studied public health law ever.

As you might guess, then, **lowering the drinking age costs lives.** Some have suggested that we should experiment by lowering the drinking age and see what happens. Unfortunately, we've done that, with disastrous results back in the late 60s and early 70s. These "experiments" were found by that same CDC study found that decreasing the drinking age to 18 or 19 increases fatalities by ten percent among just those under 21.¹⁰ Considering that the younger people start drinking, the more likely they are to drive drunk¹¹¹²¹³¹⁴, this is just the tip of the iceberg.

A more recent experiment is also instructive. In 1999, New Zealand lowered its drinking age from 20 to 18. Not only did the alcohol-involved crash rate increase among 18 and 19 year olds (12% increase for males; 51% for females), but also among 15-17 year olds (14% increase for males; 24% for females).¹⁵ It is ludicrous to believe that lowering the drinking age in the US would not have similarly fatal results. And there are impacts beyond drinking and driving.

A lower drinking age promotes unsafe binge drinking. Other countries provide a strong example here. Most European countries with lower drinking ages have not only higher drinking rates, but higher binge drinking/intoxication rates.¹⁶¹⁷¹⁸¹⁹ As a result, several of these countries (UK, New Zealand, Canada, are considering increasing their drinking ages because the 21 minimum drinking age is so effective.

In fact, **all underage drinking is unsafe drinking.** Research has shown that the brain continues to develop into the early twenties.²⁰²¹²²²³ The part that controls reasoning and cognitive ability takes the longest to mature; thus, underage drinking, especially heavy drinking, affects memory and reasoning.²⁴²⁵²⁶ The part of the brain responsible for forming new memories, is noticeably smaller in youth who abuse alcohol.²⁷ Alcohol use in adolescence also decreases executive functioning, memory, spatial operations, and attention among adolescents.²⁸²⁹³⁰³¹ And these changes may be permanent.³²

- ¹ NHTSA FARS data as displayed in Alcohol Safety Facts guides at <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncta/AvailInf.html#>
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- ³ Shults, Ruth, et al. "Reviews of Evidence Regarding Interventions to Reduce Alcohol-Impaired Driving." *American Journal of Preventive Medicine* 21(4S) (2001): 66-88.
- ⁴ Hedlund, JH, R.G. Ulmer and D.F. Preusser. "Determine Why There are Fewer Young Alcohol-Impaired Drivers." National Highway Traffic Safety Administration, 2001.
- ⁵ NHTSA estimates the minimum drinking age law saves about 900 people per year. National Highway Traffic Safety Administration. "Traffic Safety Facts 2005: Young Drivers". DOT 810 630. Washington DC: National Highway Traffic Safety Administration, 2006.
- ⁶ "raising the drinking age has a direct effect on reducing alcohol-related traffic accidents among youths affected by the laws, on average, across the states" and that "raising the drinking age also results in a decline in alcohol consumption and in driving after drinking for the age group affected by the law." -- United States General Accounting Office (1987). *Drinking-Age Laws: An Evaluation Synthesis of Their Impact on Highway Safety*. GAO/PEMD-87-10. Washington, DC: USGAO.
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- ⁸ Office of the Surgeon General. "Call to Action to Prevent and Reduce Underage Drinking". March 2007.
- ⁹ National Institute of Health. "Alcohol-Related Traffic Deaths – Research Results for the Public." 2007 <http://www.nih.gov/about/researchresultsforthepublic/AlcoholRelatedTrafficDeaths.pdf>
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May 23, 2007

State Representative Garey Bies

First Assembly District

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Rep.Bies@legis.state.wi.us

Dear Representative Bies:

I am writing to thank you for drafting Assembly Bill 186 and to express my full support of it. As you know, our daughter Karen Teskie and her friend, Amanda Brandt, were killed in a car accident the morning of September 25, 2006. They had both been drinking at the Mink River Basin in Ellison Bay. They were twenty years old and nineteen years old, respectively. Our daughter Karen was the driver.

The server was their close friend, a young man they had grown up with and spent time with socially. None of the three had any intention of hurting one another the night of September 24 into the morning of September 25. None of the three gave a thought to the possible consequences of their actions.

The reason I am strongly in favor of passing this bill is that I believe it may help servers and consumers to consider the possible consequences of underage serving and drinking.

The words "knowingly serve" make this bill fair and fitting for servers and consumers. "Knowingly" would indicate the server personally knows the consumer or that the ID used is questionable. It is my hope that if consequences for serving a friend or acquaintance are detrimental enough, including the possibility of loss of liberty and financial ruin, servers would choose not to serve a person they know to be underage.

It would seem to be an easy decision for bartenders in small communities, but it is a decision that may cause them to lose friendships and alienate other customers who help provide their income. So the stakes for breaking the law must be glaringly apparent to those on both sides of the bar.

It is my hope that servers would have at their disposal (given to them at the time of their licensing and available to those licensed previously) a type of placard to be placed prominently on the bar stating their position on serving underage drinkers and over-serving legal drinkers. I have heard this sort of placard is available and I am pursuing getting some from the "Responsible Beverage Servers" course so I can distribute them to servers in our area. I hope the words "knowingly serve" will help consumers to respect servers, so the consumer doesn't expect the server to put their livelihood and future on the line. I also hope the stakes would be higher if this bill is passed, with servers understanding the gravity of their decisions behind the bar. Those decisions behind the bar may hold potential life altering consequences.

Alcohol is a potent drug. Just as pharmacists, doctors and nurses may suffer dire consequences for serving the public unethically, I also believe bartenders are morally and ethically accountable. I strongly feel this bill would help toward these stated goals, I reiterate my full support for this bill and I hope the bill passes.

Sincerely,

Frances Teskie